

MINUTES OF MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
OCTOBER 2, 2014

The Maple River Water Resource District met on October 2, 2014, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Rodger Olson, Chairman; Jurgen Suhr, Manager; Gerald Melvin, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Julie Zaeske Norman, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Mike Opat, Engineer for the Board; Brady Woodard, Moore Engineering, Inc. and Mike Eslinger, Dirt Pro.

Minutes

It was moved by Manager Melvin, seconded by Manager Suhr and unanimously carried to approve the minutes of the September 4, 2014, meeting.

Drain #37 berm

As requested by the Board, Brady Woodard completed an inspection of the Janet Jensven property and spoke with the tenant, David Braaten, regarding the berm that had washed out on Drain #37. Mr. Braaten did not believe any repairs or changes were needed. Mr. Woodard will contact the property owner to discuss his findings.

Drain #34 - washout in the NW 1/4 of Section 18 in Normanna Township

Mr. Woodard confirmed that the culvert on Drain #34 in the NW 1/4 of Section 18 in Normanna Township has washed out. It was moved by Manager Suhr and seconded by Manager Melvin to repair and reinstall the culvert and place rip-rap on Drain #34 in the NW 1/4 of Section 18 in Normanna Township. Upon roll call vote, the motion carried unanimously.

Pontiac Township Improvement District #73

Mike Opat recently toured the work site and reported that considerable progress has been made toward completion of the Pontiac Township Improvement District #73 Project. The project is approximately 80% complete. The water is receding and the township roads are emerging. Affected townships are preparing to repair the roads that are now viable.

It was moved by Manager Suhr and seconded by Manager Melvin to approve Change Order No. 3 for Reiner Contracting, Inc. in the amount of \$8,947.41 and *Contractor's Application for Payment #7* in the amount of \$196,977.01 regarding Pontiac Township Improvement District No. 73. Upon roll call vote, the motion carried unanimously.

Garsteig Dam pipe repair

The pipe repair at Garsteig Dam is scheduled to commence on October 20, 2014. A cost share request is being sent to the Office of the State Engineer.

Drain #46 cleanout

Mike Eslinger and Brady Woodard reported that work on Drain #46 has been completed up to one mile south of Cass County Highway 26. As requested by the Board, the areas with excessive standing water will be surveyed October 3, 2014, to determine the source of the drainage issues. Mr. Woodard reported that the funding previously approved for the project has been exhausted and there are 3 1/2 miles of the channel remaining to be cleaned. The effort to clean the channel through 3 of the last 5 miles has proven to be more extensive than anticipated.

It was moved by Manager Suhr and seconded by Manager Melvin to continue work on the Drain #46 cleanout, up to a maximum cost of \$50,000. Upon roll call vote, the motion carried unanimously.

Swan Creek - dumping of yard waste into channel

Dumping of yard waste into the Swan Creek Channel was reported. The City of Casselton will continue to monitor the situation and will contact Mr. Woodard if it becomes more of an issue.

SWC Cost-Share Procedures

Sean Fredricks reported on new policy implemented by the State Water Commission requiring Water Resource Districts to conduct an engineering selection process for projects exceeding a cost threshold of \$50,000. It was suggested that the Maple River Water Resource District appoint all three of its members as the Agency Selection Committee for purposes of conducting the requisite engineering selection process.

It was moved by Manager Suhr and seconded by Manager Melvin to appoint all three members of the Maple River Water Resource District as the Agency Selection Committee, to publish a *Request for Qualifications* in *The Forum*, and to approve the *Agency Selection Committee Initial Report* to comply with new State Water Commission cost share policy. Upon roll call vote, the motion carried unanimously. The report is attached to these minutes.

Application to Install a Subsurface Drain #201415 for Duane L. Grieger in the E 1/2 of Section 3 in Tower Township

The Board reviewed *Application to Install a Subsurface Drain No. 201415* dated September 2, 2014, for Duane L. Grieger. The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota Administrative Code and concluded the project does not meet any of the "statewide" elements. Therefore, the Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer's Office to consider and approve). Under the application, Applicant seeks to install a drain tile system in the E 1/2 of Section 3 in Tower Township, Cass County, North Dakota. The project will include a single gravity outlet that will discharge directly into the Maple River.

Mr. Opat recommended that, because the project will discharge directly into the Maple River, the Board should require Applicant to install and maintain erosion protection to reduce the potential for erosion and other damages in and along the Maple River. Because the proposed project will discharge directly into the Maple River, the application did not require a *Thirty-Day Notice* under N.D. Century Code Section 61-32-03.1, and the Board cannot require Applicant to obtain any flowage easements from downstream landowners.

According to records on file with the Cass County Recorder's Office, Duane L. Grieger and Ethel T. Grieger own the E 1/2 of Section 3 of Tower Township.

It was moved by Manager Melvin and seconded by Manager Suhr to approve *Application to Install a Subsurface Drain No. 201415* dated September 2, 2014, for Duane L. Grieger in the E 1/2 of Section 3 in Tower Township, subject to the following conditions:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant provide and maintain adequate erosion protection at any and all outlets into the Maple River;
- 3) That Applicant notify the Maple River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicant notify the Maple River Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 5) That Applicant must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Board; and
- 6) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Request for Drainage on Highway Right of Way for McDonald Farms to clean the north ditch of State Highway 46 in the S 1/2 of Sections 35 and 36 in Leonard Township, the S 1/2 of Section 31 and the SW 1/4 of Section 32 in Davenport Township

It was moved by Manager Melvin and seconded by Manager Jurgen to approve the *Request for Drainage on Highway Right of Way for McDonald Farms to clean the north ditch of State Highway 46 in the S 1/2 of Sections 35 and 36 in Leonard Township, the S*

1/2 of Section 31 and the SW 1/4 of Section 32 in Davenport Township. Upon roll call vote, the motion carried unanimously.

Request for Drainage on Highway Right of Way for Craig Runck to clean by the culverts along State Highway 18 in Sections 27 and 34 of Everest Township

It was moved by Manager Melvin and seconded by Manager Suhr to approve the *Request for Drainage on Highway Right of Way* for Craig Runck to clean by the culverts along State Highway 18 in Sections 27 and 34 of Everest Township. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Melvin and seconded by Manager Suhr to approve the payment of Checks #5280 through #5303 and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Drain #201416 for Jack Kensok/Western Trust in the NE 1/4 SE 1/4 of Section 11 in Gill Township

The Board reviewed *Application to Install a Subsurface Drain #201416* for Jack Kensok/Western Trust in the NE 1/4 SE 1/4 of Section 11 in Gill Township. A *30-Day Notice* will be prepared and sent to the North Dakota Department of Transportation.

Application to Install a Subsurface Drain for Linda Withey, Marilyn Danielson and Phyllis Wyum in the E 1/2 of Section 6-136-53 in Ransom County

The Board reviewed *Application to Install a Subsurface Drain* for Linda Withey, Marilyn Danielson and Phyllis Wyum in the E 1/2 of Section 6-136-53 in Ransom County. The Board did not take any action on the matter.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Melvin, seconded by Manager Suhr and unanimously carried to adjourn the meeting.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer